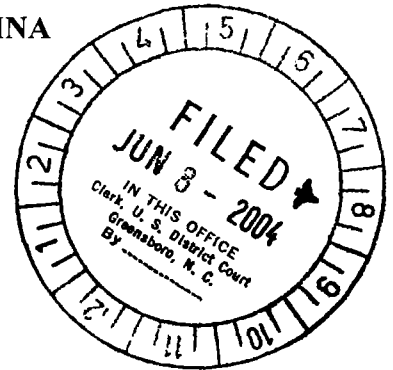


31.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SAMUAL RUSSELL FLIPPEN,)
)
 Petitioner,)
)
 v.)
)
 MARVIN POLK, Warden,¹ Central Prison,)
 Raleigh, North Carolina,)
)
 Respondent.)

1:01CV00674



O-R-D-E-R

On March 9, 2004, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed and notice was served on the parties in this action and a copy was given to the court.

Within the time limitation set forth in the statute, counsel for Petitioner objected to the Recommendation.

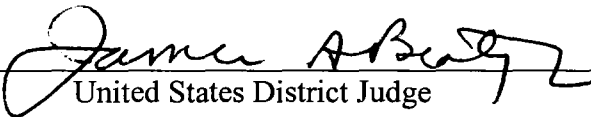
The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that Petitioner's habeas corpus petition [Pleading No. 4] be **DENIED** and that this action be dismissed with prejudice. A judgment dismissing this action will

¹ Marvin Polk succeeded Mr. R. C. Lee as Warden at Central Prison. The caption is hereby amended to accurately reflect Mr. Polk as the Respondent.

be entered contemporaneously with this Order.

IT IS FURTHER ORDERED that Petitioner's motion to hold all further proceedings in abeyance [Pleading No. 29] is **DENIED**.


United States District Judge

 , 2004
~~May~~